

Appln No. 09/437,007
Amtd. Dated October 7, 2003
Reply to Office action of May 21, 2003

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REMARKS/ARGUMENTS

Applicant thanks Examiner for the detailed Office Action dated 21 May 2003.

For Examiner's convenience, Applicant's reply will use paragraph numbers corresponding with those used by Examiner in the latest Office Action.

Drawings

1. New Figure 11 is enclosed, showing the processing means defined in claims 42 and 65. It is submitted that this drawing adds no new subject matter, since it merely incorporates in drawn form the information that was described at page 3, lines 23 to 30 of the original specification. The new Figure also shows optional image sensor 55.

Regarding claims 24 to 26, attached proposed Fig. 12 is a simple flowchart setting out the basic steps in playing a game on a console until a gaming level/goal is reached, at which point one or more gaming images are printed. This flowchart is supported by the description from page 6, line 25 onwards, where it is mentioned that "brag" cards can be printed out by the video game at "certain predetermined levels". Implicit in the use of this terminology is the likelihood that printouts will take place upon completion of predetermined gaming events or goals (even though this is not a requirement of the invention in its broadest form). One skilled in the art of computer gaming would instantly appreciate that gaming events or goals are implicit in the language used at this point of the specification. It is therefore submitted that the new drawings, coupled with the disclosure on page 6, provide adequate support for claims 24 to 26.

In the event Examiner agrees to inclusion of the proposed drawings, Applicant will ass reference numerals to them and amend the specification accordingly.

As for the remaining claims objected to in paragraph 1 of the Office Action, Examiner is asked to confirm whether the introduction of simple screenshots and printouts for the purposes of illustrating the claimed features would be considered "new matter". Applicant submits that such drawings would not be new matter, since the general principles are disclosed in the specification and the more specific features are disclosed in the claims.

In the alternative, Examiner is requested to consider the proposition that the "feature" to be illustrated is the "gaming image". The fact that this feature is further delimited in the claims should not require that those limitations be illustrated. An analogy would be a claim that introduced a specific size restriction on a feature of an earlier claim. Applicant submits that the limitation need not be illustrated, since the feature in broad terms is illustrated and the detailed description provides the necessary support for the subsidiary claim. In the present case, it is submitted that the gaming image is illustrated, so further limitations on that feature, such as indicating successful completion of a level, or a score achieved by a user, need not be illustrated. Examiner's opinion on this point is respectfully requested.

2. Reference 17 in Fig. 7 is incorrect, and should be PCB 11 (as shown in Fig 6). The drawing has been amended to rectify this typographical error.

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3. A proposed drawing amendment for Figure 6 is attached, in which reference 40 has been added.

4 & 5. The amendment under paragraph 2 above overcomes the problems identified by Examiner in these paragraphs.

The amendments to the drawings, and the new drawings, are informal at this stage. Formal drawings will be provided once Examiner confirms that the proposals are acceptable.

Specification

6. A new abstract is attached in the correct form.

7. The reference to a foreign application on page 5 of the attached replacement specification has been replaced with a reference to a corresponding US patent application.

8. The attached replacement specification removes the sentence fragment referred to by Examiner.

9. Applicant respectfully disagrees with Examiner's comments in relation to antecedent basis for "or more points", since Applicant is not sure what Examiner means by "since disclosure specifies at a certain point". At the referenced section of the specification, it is mentioned that "the video game can, at certain predetermined levels, print out a series of 'brag cards' ". This can either be interpreted as one brag card per level achieved or multiple brag cards per level achieved. The comment relating to "at a certain point" must be read in the context of the previous sentence, which clearly indicates that printouts can be performed at plural points (or "levels") in the game.

In any event, Applicant respectfully submits that a person skilled in the art of video game design would understand that the use of singular terminology is intended to include the plural in this case. Certainly there is nothing conceptually different from printing out a card for each of two levels achieved and printing out a card for a single level achieved when there is only one level available (that one level being the end of the game, for example). Applicant submits that this is inherent in the language used, and in any event, would be so understood by any person skilled in the art.

Regarding the issue of the image being different to that being displayed, the detailed description supports this where it refers to the printing of a "high resolution picture that can only be achieved at a certain point in the game". It is clear from this language that at the very least the printed image is different from the displayed image on the basis of resolution.

10. Regarding claim 18, Applicant respectfully disagrees with Examiner's conclusion. To one skilled in the art, the words "a casing" clearly convey the concept of a case, which can comprise one or more casing components. Virtually all electronic equipment includes "a casing" that protects the internal components from dust and other environmental factors, whilst protecting users from electronic shock or other injury that might be caused by the equipment's internal components. Moreover, it is extremely rare for "a casing" in such applications to be made in a single piece, since this would make access for servicing and

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repair impossible. Indeed, there are even specific terms for multiple piece casings, such as a "clamshell casing", which includes a pair of hinged casing components.

Examiner is respectfully requested to provide evidence in support of his contention that "a casing" must necessarily be limited to a single physical casing component. It is Applicant's position that the natural meaning of "a casing" to one skilled in the art includes multiple moulding constructions that together comprise a single unit, as shown in the present drawings. If Examiner still wishes to maintain this objection, it would be appreciated if Examiner could propose language that would be considered acceptable.

Regarding the printed images being different to the corresponding display images, Examiner is directed to Applicant's comments above in relation to different resolutions (ie, the printing of a "high resolution" image only available at certain points in the game).

Regarding the phrase "interaction information", Examiner's attention is directed to the penultimate paragraph of the detailed description, where it is mentioned that "the educational software prints out a code or clue for utilization by the user in playing the games." The "code or clue" is the interaction information defined in the claims, and such codes or clues are used by the player to play the game.

Regarding the "one or more certificates", again, the penultimate paragraph of the specification describes that "the printer can be utilized to print out standard award certificates or diplomas upon reaching various levels". This description is in the context of educational software, but is still clearly within the scope of the claims mentioned by Examiner.

Regarding enablement of mapping a photographic likeness onto a three-dimensional character, Applicant submits that the process of mapping of texture data (which can be photographic data) onto three-dimensional structures by gaming machines was extremely widespread at the date of filing the application, and for that reason was not described in any detail. Examiner is reminded of MPEP 2164.04 and is requested to provide some reasoning as to why this particular step is considered to need particular description beyond mere mention in the specification.

Should Examiner wish to maintain any of the new matter objections in a subsequent Office Action, it would be appreciated if the arguments presented above were specifically be responded to, in view of MPEP 707.07(f).

Claim Rejections – 35 USC 112

12. Applicant strongly disagrees that the provisions of 35 USC 112 are applicable as described by Examiner.

In relation to the casing, Examiner is directed to Applicant's comments above. It is respectfully submitted that the use of any particular number of components to construct "a casing" is not an issue that would pose any difficulties to one skilled in the art. The description of how the printer, processor and other components are assembled in relation to the casing (ie, casing components 2-4) is quite thoroughly described.

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Regarding the other features referred to by Examiner, Applicant submits that the original specification provided sufficient enabling disclosure for each of them. The features referred to are all relatively simple in concept, and it is submitted that there is no need for them to have been described in fine detail. The existence of sufficient support for these features has already been discussed above.

In the event Examiner wishes to maintain this particular objection, Applicant respectfully requests that Examiner explain specifically what one skilled in the art would have been understood from the corresponding language used in the specification, as well as pointing out specifically what additional information Examiner believes should have been included for the disclosure to be enabling. In the absence of this information, Applicant is unable to provide a response to the general issues raised by Examiner.

In this regard, Examiner is directed to the requirements of MPEP 2164.04, which requires that the first Office Action "should present the best case with all the relevant reasons, issues, and evidence so that all such rejections can be withdrawn if applicant provides appropriate convincing arguments and/or evidence in rebuttal. Providing the best case in the first Office action will also allow the second Office action to be made final should applicant fail to provide appropriate convincing arguments and/or evidence. Citing new references and/or expanding arguments in a second Office action could prevent that Office action from being made final. The principles of compact prosecution also dictate that if an enablement rejection is appropriate and the examiner recognizes limitations that would render the claims enabled, the examiner should note such limitations to applicant as early in the prosecution as possible."

Claim Objections

Applicant thanks Examiner for rectifying the numbering oversight, which was typographical in nature.

Regarding the dependency issues, it appears that dependencies were not altered when new claims were renumbered to commence at claim 18. The problem is rectified in the attached claims.

Claim rejections – 35 USC 102

By way of background, the main citation (Kelly) is concerned with a gaming machine for generating coupons that can be redeemed for prizes. Applicant agrees that the broadest interpretation of a "gaming device" includes prior art such as Kelly. However, the different purposes for which the Kelly device and the claimed invention are designed means that there are some specific technical and operational differences (defined in the present claims) that distinguish the present claims from Kelly. In any event, there are other specific features of the claims that are not disclosed in Kelly (or any of the other citations) that, it is submitted, render the present claims allowable.

To begin with, claim 18 has been amended to incorporate the features of claims 19 and 22. The result is that claim 18 defines a video gaming device that incorporates an ink supply unit and a print media supply unit, which are together housed in a replaceable cartridge assembly.

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Examiner has stated that Kelly discloses all of the features of claims 18 to 29 (inter alia). However, Applicant is unable to find any description of a replaceable cartridge that incorporates print media and an ink supply unit. Applicant respectfully points out that Kelly merely refers to a "specific prize dispenser 22", which includes a printer. The specific configuration of the printer is not disclosed in Kelly, since it is not relevant to the implementation of the preferred embodiment.

Applicant emphasises that the present claims require that both a print media supply and an ink supply unit are provided in "a replaceable cartridge". In the absence of disclosure of these specific features, it is submitted that the present claims are allowable over Kelly.

The other citations are also silent on such an arrangement.

Examiner has proposed that a "replaceable cartridge" is notoriously well known in the printing field. Applicant submits that a (singular) replaceable cartridge having integral media supply AND ink supply unit is not known. Should Examiner wish to maintain this position, Applicant respectfully requests that support in the form of documentary evidence of such notoriety be provided.

Claim 23 adds the feature of the replaceable cartridge including a print media feed roller device. It is acknowledged that printers, in general, universally have print media feed mechanisms. However, claim 23 specifically requires that the feed roller be included with the replaceable cartridge, which must in turn include the media and ink supply units. Again, the citations are wholly silent on such features, let alone teaching towards combining them.

Similar amendments have been made to the other independent claims of this application, and corresponding arguments apply.

Further consideration of the present application is respectfully requested.

Very respectfully,

Applicant:



KIA SILVERBROOK



TOBIN ALLEN KING

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: Kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9818 6711